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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,391	05/21/2001	James R. Milne	20381-22 (50P4047)	8905
22242	7590	02/09/2004	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			YENKE, BRIAN P	
			ART UNIT	PAPER NUMBER
			2614	5

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,391

Applicant(s)

MILNE ET AL.

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The examiner requests the applicant to provide the month/day of the 2000 Sony Technical Symposium, titled "DTV: The Next Generation."

Regarding the 2001 Sony Technical Symposium, the examiner presumes from the date on the IDS reference is 04 October 2001, if this is incorrect, the examiner requests the applicant to provide the correct data.

Drawings

2. The drawings are objected to because they appear to be a "dark" photocopy, thus being barely legible. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, please refer to cited references on attached form PTO-892.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

Art Unit: 2614

unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims (see rejection below) of copending Application No. 10/112228. Although the conflicting claims are not identical, they are not patentably distinct from each other because for the reasons as stated below.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Considering claims 1 and 9,

a) *the claimed a processing chassis...* is met by copending claim 16. Although, the present claim includes "first" digital signal, and the pending claim states "digital signal" the same operation/function is performed thus the naming of the signal is inconsequential. The present claim states "provided to a user" whereas the copending claims states "provided... as an output", since both signals which are provided are the same, the provided to a user or an output is inconsequential.

b) the claimed a presentation chassis... is met by copending claim 16. Although, the present claim includes the additional language "the audio and visual conversion being performed in a first domain", the pending claims states converting the audio and video components into a final signal, thus the being performed in a first domain, does not patentably distinguish the claims.

c) the claimed an interface operative... is met by copending claim 16, an interface configured...

Considering claim 2,

The claimed wherein the interface includes a digital video interface is met by pending claim 16, since the processing chassis converts an analog signal into a digital signal which is received by the processing chassis, thus the interface includes digital video.

Considering claim 3,

The claimed wherein the processing chassis further includes an audio interface for converting audio signals contained within the input signal into a digital signal is met by pending claims 16 and 17, since the processing chassis converts the received signal (where audio and video are received in a television signal) into a digital signal.

Considering claim 4,

The pending claims (16) do not specifically disclose a video interface which converts the video signal into a high resolution digital signal. However, the conversion of a received signal into a lower or higher resolution is conventional in the art. Thus, the conversion of a signal into high resolution is not patentably distinct.

Considering claims 5, 10 and 13,

The pending claims (16) does not state the power source of the processing chassis providing power to the processing chassis independent of the power being supplied to the presentation chassis. However, pending claim 16 does state that both the processing and presentation chassis include separate and dedicated power sources, thus the power source operate/supply power independent from each other.

Considering claims 6, 8 and 12,

The pending claims (16) does not state the display device being a monitor or CRT. However, the use of a monitor or CRT as a display device is conventional in the art, thus not patentably distinct from the pending claims.

Considering claim 7,

The pending claim (16) does not state one of a terrestrial antenna, a cable connection or a satellite connection, however, pending claim 16 states a digital television, where it is conventional for a TV to receive signals either/or combination of terrestrial, cable and/or satellite, thus not being patentably distinct.

In considering claim 11,

Pending claim (16) does not state that the presentation module includes decoding and filtering elements, however, decoding and filtering elements are conventional in the art in the reception/conversion/display of a video signal, thus claim 11 is not patenably distinct.

Art Unit: 2614

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

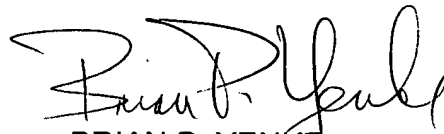
or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.



B.P.Y.
February 08, 2004



BRIAN P. YENKE
Patent Examiner
Art Unit 2614